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7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	·		
11	In the Matter of the Accusation Against: Case No. 2009-135		
12	JOEL JARENO LEUS 6958 Plumrose Street ACCUSATION		
13	Fontana, CA 92336 Registered Nursing License No. 610360		
i4	Respondent.		
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16	Complainant alleges:		
17	<u>PARTIES</u>		
18	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation		
19	solely in her official capacity as the Executive Officer of the Board of Registered Nursing		
20	(Board), Department of Consumer Affairs.		
21	2. On or about December 9, 2002, the Board issued Registered Nursing		
22	License Number 610360 to Joel Jareno Leus (Respondent). The Registered Nursing License was		
23	in full force and effect at all times relevant to the charges brought herein and will expire on		
24	January 31, 2010, unless renewed.		
25	<u>JURISDICTION</u>		
26	3. This Accusation is brought before the Board under the authority of the		
27	following laws. All section references are to the Business and Professions Code unless otherwise		
28	indicated.		

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## STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 6. Section 2761 of the Code states in pertinent part that the Board "may take disciplinary action against a . . . licensed nurse . . . for" "(a) Unprofessional conduct . . . ."
- 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 9. Respondent is subject to disciplinary action under section 2761 of the Code in that Respondent has engaged in unprofessional conduct. The circumstances are as follows:
- a. On or about June 27, 2008, Respondent was indicted in federal district court in *United States v. Leus* (C.D. Cal., 2008, No. CR08-00755) with 18 U.S.C. section 2422, subdivision (b), for knowingly using a facility of interstate and foreign commerce (i.e., the Internet and the telephone) to knowingly attempt to persuade, induce, entice and coerce a minor to engage in sexual activity for which a person could be charged with the crime of lewd acts on a

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- The federal criminal complaint against Respondent was based on an b. affidavit by Federal Bureau of Investigation (FBI) Special Agent Timothy Alon's affidavit. FBI Special Agent Alon stated that on or about May 2, 2008, in an Internet Relay Chat channel called "#0!!!!!!!pedomoms," he posed in an undercover capacity as the mother of a 5-year-old daughter and a 9-year-old daughter.
- From on or about May 2 through on or about June 18, 2008, through the c. Internet chat room, e-mail and by telephone, with a female Los Angeles Police Department detective speaking on the telephone, Respondent communicated his interest in meeting with the mother for the purpose of arranging a sexual encounter with the minors.
  - On or about June 11, 2008, the detective met with Respondent. d.
- Eventually a meeting at a hotel was arranged for on or about June 19, e. 2008. Respondent arrived at the hotel, where he was arrested. At the time of his arrest, Respondent had a laptop computer, a cellular telephone, children's toys, lubricant and a children's enema. Following his arrest, Respondent said he planned on using the laptop computer to show the minors pornography, and that he used the Internet to look at adult and child pornography.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- Revoking or suspending Registered Nursing License Number 610360, 1. issued to Joel Jareno Leus;
- Ordering Joel Jareno Leus to pay the Board the reasonable costs of the 2. investigation and enforcement of this case, pursuant to Code section 125.3; and

1	3.	Taking such o	other and further action as deemed necessary and proper.
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3	DATED:	108	
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5			P. T. Austin
6			RUTH ANN TERRY, M.P.H., R.N. Executive Officer
7			Board of Registered Nursing Department of Consumer Affairs State of California
8			State of California Complainant
, 9			Complanian
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